

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, NOVEMBER 1, 2005.

**Board Members Present:** *John F. Coates, Chairman*  
*Steven E. Nixon, Vice-Chairman*  
William C. Chase, Jr.  
Sue D. Hansohn  
James C. Lee  
Brad C. Rosenberger  
Steven L. Walker

**Staff Present:** Frank T. Bossio, County Administrator  
J. David Maddox, County Attorney  
Valerie H. Lamb, Finance Director  
John C. Egertson, Planning Director  
Paul Howard, Director of Environmental Services  
Peggy S. Crane, Deputy Clerk

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mr. Rosenberger led the members of the Board and the audience in the Pledge of Allegiance to the Flag.

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

**RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS**

Mr. Bossio asked that the following additions be made to the **CLOSED SESSION:**

5. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for discussion with legal counsel and staff regarding the negotiation of a contract with a specific private company, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
6. Under *Virginia Code* §2.2-3711(A)(1) and (A)(7), for discussion with legal counsel and staff the evaluation of a specific County department.
7. Under *Virginia Code* §2.2-3711(A)(7), for consultation with legal counsel and staff regarding specific legal matters requiring the provision of legal advice relating to the threat of probable litigation against a County official where such discussion in an open meeting would adversely affect the negotiating or litigating posture of the County.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**RE: MINUTES**

The minutes of the October 4, 2005 regular meetings were presented to the Board for approval.

Mr. Nixon moved, seconded by Mr. Lee, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**CONSENT AGENDA**

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving acceptance and appropriation of a grant for the Sheriff's Office from the Division of Motor Vehicles (DMV) in the amount of \$15,000. Local match required is \$3,750 and these funds will come from the Sheriff's operating budget. Funds will be used for overtime for traffic enforcement and related equipment.
- b. The Board will consider approving acceptance and appropriation of a grant for the Sheriff's Office from the Department of Criminal Justice Services for a TRIAD Grant in the amount of \$1,530. Local match required is \$170 and will come from the Sheriff's Operating budget.
- c. The Board will consider approving a budget amendment for state funds received from DMV from the sale of animal friendly license plates for the Animal Shelter in the amount of \$990.
- d. The Board will consider approving budget amendments for the Department of Human Services for additional funds in the areas of: Plan for Improvement Grant in the amount of \$29,095.17; Head Start Grant in the amount of (\$93,357), and various public assistance programs in the amount of \$147,153.28, for a total of \$82,891.45.
- e. The Board will consider approving budget amendments for the Department of Human Services for additional funds in the areas of Headstart in the amount of \$4,988.67.
- f. The Board will consider approving a budget amendment for the Electoral Board and Registrar's Office for additional funds received from the State Board of Elections in the amount of \$5,198.96. Funds will be used for purchase of two PC's and a laser printer;

g. The Board will consider a request from Virginia Department of Transportation to accept Forest View Subdivision, including Crockett Avenue, and two segments of Crooked Run Drive, into the State Secondary Road System.

h. The Board will consider approving a Letter of Commendation to Carl Stafford for his work in the community and the local Farm Service Agency (FSA) Office.

i. The Board will consider a motion to ratify approval of a letter to the Town of Culpeper regarding water and sewer capacity for the Montanus Development.

Mr. Lee moved, seconded by Mr. Nixon, to approve the Consent Agenda as presented.

Mr. Chase asked whether approving Item i. would be a draw-down from the 600,000 gallons guaranteed to the County per year. Mr. Bossio replied that the letter was ratification to the Mayor regarding the Town's previous agreement to serve the Montanus area, but if the Town did not have the capacity, the County wished to withdraw that amount out of the 600,000 gallon availability.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

### **GENERAL COUNTY BUSINESS**

### **DISABILITY SERVICES BOARD PRESENTATION**

Mr. David Scott, Chairman of the Disability Services Board (DSB), informed the Board that Safeway of Culpeper had been awarded the Virginia Business Leadership Network Disability Friendly Business Recognition Seal. He said that Safeway of Culpeper had been recognized as a role model for business excellence in meeting the needs of employees and customers with disabilities in both accommodation and accessibility in the workplace.

Mr. Coates joined Mr. Scott in presenting the award to Julie Brakowiecki and Gail Coates, representatives of Safeway.

### **UPDATE ON AVIAN FLU**

Dr. Lilian Peake, District Health Director, provided an update to the Board on pandemic influenza and explained that a "pandemic" was an outbreak of a disease that would not commonly occur throughout the entire world, such as the influenza virus. She highlighted the development and the consequences of the virus and provided technical

information and statistics on the types, subtypes, and strains, as well as the effects and conditions of a typical flu season. She stated that the avian flu virus had mutated twice and the most recent strain was a lethal disease and could easily be transmitted among humans. She stressed that the Board should be aware of the potential pandemic in order to plan a response to a large-scale public health emergency.

Dr. Peake provided detailed information on previous pandemics, such as the major one in 1918 and milder ones in 1957 (Asian Flu) and 1968 (Hong Kong Flu). She said the present threat was a bird or avian flu known as Subtype H5N1 and discussed its mutation from poultry to migratory birds to animals and possibly to humans. She explained that community preparedness was critical because multiple areas would be affected at the same time and could extend for many months. She said that healthcare workers and first responders would be affected, resulting in preventive and therapeutic agents being delayed and in short supply. She noted that the challenges to be faced were vaccine production, antiviral medication production, and limited healthcare surge capacity. She added that public health preparedness efforts would include influenza surveillance, education, vaccine production, stockpiling antivirals, increasing lab capacity, building a volunteer public health corps, legislative initiatives to give public health more authority to isolate and quarantine; and liability coverage for volunteers during emergencies. She explained that the Health Department was coordinating emergency planning and had established a district-wide planning task force to include Culpeper.

Mr. Chase questioned whether all birds were being considered. Dr. Peake replied that all birds would not necessarily be infected, but that could not be determined until more testing was done. She added that many different species were being infected at the present time. Mr. Chase asked whether the Health Department would be testing dead birds. Dr. Peake stated that she did not see any indication that dead birds would be tested as was done during the West Nile virus surveillance.

Mr. Bossio inquired about antiviral medications. Dr. Peake informed him that the primary preventive measure would be vaccination. She said that antibiotics and antivirals could become resistant to the virus.

Mr. Bossio asked Dr. Peake to explain the process of tabletop planning within the County on this issue. Dr. Peake stated that pandemic flu was being used as a scenario for a tabletop emergency public health planning session where all agencies involved would

come together in order to understand what their responsibilities would be and determine whether their current plans would be sufficient or would require additional work.

Mr. Coates thanked Dr. Peake for her presentation.

Mr. Coates announced that the Board would hear the updates on Three Flags Development and Stone Ridge Subdivision in sequence and before returning to the regular order of the agenda.

### **UPDATE ON THREE FLAGS DEVELOPMENT**

Mr. John Egertson, Planning Director, informed the Board that every effort was being made within the Three Flags Development to enforce erosion and sedimentation control laws under Chapter 8 of the County Code. He explained that the State required all counties to have a certified Erosion and Sedimentation Control Program Administrator on staff, and the County's staff person was Mr. Pat Lawrence, who was in the audience.

Mr. Egertson presented a detailed time line, beginning with May/June 2004 when the original erosion and sedimentation control plans were reviewed and approved by both the County and the Soil and Water Conservation District (SWCD), followed by onsite reviews by the SWCD in June 2004 and with the Town in August 2004. He said no major concerns were noted at that time. He stated that in November 2004, the Town made its first notification to Mr. Maruca, the owner of the project, that sedimentation was entering the Lake. He noted there was no engineer involved in the project during the latter part of 2004 because the owner was in the process of changing engineering firms. He explained that problems began to surface during the major rains in January/February 2005. He said that regular inspections continued during this time, and Chemung Corporation, the contractor, was extremely responsive in working with the County to improve conditions.

Mr. Egertson stated that during the early part of 2005, the County met with JCE Development, the new owner, to discuss project strategies, and substantial adjustments were made to the plan and further soil and sedimentation controls were implemented. He said that due to continued heavy grading, he instructed Mr. Lawrence in July 2005 to begin daily visits to the site in an endeavor to protect the Lake. He noted that during this period, the need for a full-time environmental engineer was identified, and JCE Development agreed to hire Angler Development to provide on-site inspections and Dewberry Engineers to supervise the overall project and make recommendations to the owner. He said that

Angler Development issued its first report in August, and the County immediately required implementation of all of their recommendations

Mr. Egertson reported that during this period, he and the President of Chemung Contracting drove over the entire site, and the site appeared to be in compliance with all required plans.

Mr. Egertson stated that he and Mr. Lawrence invited the Department of Conservation and Recreation (DCR) to visit the site and to provide input in terms of improving the situation at Three Flags. He said that DCR wrote a letter in August regarding the site visit and recommended that Dewberry prepare a new erosion and sedimentation control plan with suggested improvements (even though DCR had identified no deficiencies on the ground during their visit). Dewberry immediately submitted a markup of the original plan, but staff deemed it was not sufficient and they were instructed to prepare an entirely new plan. He stated that the SWCD visited the site during August and also determined that a new plan was needed.

Mr. Egertson stated that the topography of the site was the major problem, which dictated the removal of large volumes of earth and major changes in grading, which required the site to remain open for a long period of time.

Mr. Egertson noted that during October, a revised erosion and sedimentation control plan was received, and the SWCD reviewed the plan, visited the site, and indicated that the site was in compliance. He said the County completed its review of the erosion and sediment control plan, and the developer was provided with comments made by the County and SWCD. He noted that prior to receiving comments from the County and SWCD, Chemung had already implemented many of the items in the revised plan in an attempt to bring the site to proper order as quickly as possible.

Mr. Egertson provided the Board with numerous “before and after” photographs of the Three Flags development and explained what each picture represented. He summarized the oversight activities being done by the County, Town, SWCD, and DCR to ensure that State guidelines were being met. He said the revised plans had been reviewed and amendments to the plans were being addressed by the engineer. He added that most of the proposed new controls had been instituted, the site was nearing completion in terms of stabilization, and problems should cease in the near future.

Mrs. Hansohn expressed concern regarding controls that could be put in place on similar projects in the future. Mr. Egertson assured her that he would review the Water and Erosion Control Ordinance and determine whether any changes needed to be made. He added that on future phases of Three Flags or other projects in close proximity to the Lake, he would work with DCR and other concerned entities to ensure the plan was 100 percent effective prior to any land disturbances being made.

Mrs. Hansohn asked whether sediment was still seeping into the Lake. Mr. Egertson replied that after talking with the Town, he believed the sediment problems were under control.

Mr. Nixon and Mr. Egertson discussed the various methods, such as silt fencing, used to control overflow due to heavy rains. Mr. Lawrence added that silt fences had been staged downhill, but the heavy rains made them ineffective.

Mr. Chase asked whether the County engineer was working with Dewberry on the project. Mr. Egertson stated that he had not been engaged, but he would talk to him about becoming involved.

Mr. Coates commented that the Three Flags development had educated the County and Town regarding the impact that a large development and land disturbance would make on a major water supply. He agreed that the County Engineer should be part of this project and similar projects.

#### **UPDATE ON STONE RIDGE SUBDIVISION PROJECT**

Mr. Egertson displayed a copy of a map of the Stone Ridge Subdivision property, which indicated the location of roads to be constructed within the subdivision and the location of a potential crossover with signalization on Route 29, across from the Ag Enterprises site. He indicated that Angler had donated right-of-way and would build the majority of a two-lane road on a four-lane right-of-way through its property, and VDOT and the County would build turn lanes onto Route 29, a crossover, and a small portion of the road into the site using VDOT safety funds and revenue sharing money. He said that the concept had been presented to the Board previously but some adjustments were now being considered to shift the alignment slightly. He indicated a short dotted line of an s-curve that was being proposed instead of the straight connection to Route 29. He said the reasons for the realignment were (1) To achieve an even alignment for both the northbound and southbound lanes of Route 29 and (2) to avoid rerouting traffic at a future time when the

interchange was built. He indicated that due to the existing grade at that point, the future interchange would bring Route 29 over the crossover road. He also indicated that the realignment would have less effect on the Ag Enterprise property in the short term.

Mr. Walker asked whether the future build-out would be straight. Mr. Egertson stated that it would have a curve in it until the interchange was built. Mr. Walker asked whether sight distance was adequate. Mr. Egertson replied that VDOT preferred the proposed location from every standpoint. Mr. Gore was in the audience and nodded agreement.

Mr. Walker noted the problems regarding sight distance at the current Mountain Run Lake Road crossover on Route 29. Mr. Egertson stated that when the project was done, it would provide people with a way to cut through on the connector road, take a left signal and proceed to Town, rather than using Mountain Run Lake Road.

Mr. Nixon asked how many roads would connect with the new road. Mr. Egertson pointed out that only two roads would intersect, and there would be no individual driveways.

Mr. Rosenberger questioned whether Mr. Egertson had discussed the proposed realignment with Ag Enterprise's Board. Mr. Egertson stated that he had met with several members of their Board and discussed the plans with them. He said they had not committed to anything on their side of the road in terms of the future interchange or road dedication, but they were comfortable with the connection point and where the crossover would be.

Mr. Rosenberger commented that the straight-line road had been a topic of discussion at the Ag Enterprise's annual stockholders' meeting because that straight-line road would be a threat to the facility there now and would probably require relocation if and when that occurred.

Mr. Coates stated that the most western road would eventually connect to North Merrimac. Mr. Egertson pointed out that the Comprehensive Plan included tying that road in and creating a service road concept around that interchange.

Mr. Coates recessed the meeting at 11:25 a.m.

Mr. Coates called the meeting back to order at 11:45 a.m.

#### **UPDATE ON FIELDS AT COMMUNITY COMPLEX**

Mr. John Barrett, Director of Parks & Recreation, began an update and overview of the Community Complex by displaying photographs taken from July 2004 to October 2005



depicting the progress in the actual construction of the site; such as the entrance, the athletic fields, the roads and the areas where Bermuda grass had been planted. He provided a detailed report on the progress of turf growth and indicated that the turf was approximately 80 percent in coverage. He reported that irrigation heads had been installed, but some were going to be relocated in order to provide 360-degree coverage. He also reported that Premier Sports had mowed several times and weed control had begun.

Mr. Barrett described some of the amenities in which the Culpeper Recreation Foundation had been involved, such as outfield fencing for the ballfields at a cost of \$60,720, and a concession stand, which hopefully would be done pro bono, as well as scoreboards, a park entrance sign, bleachers, flag poles, interior directional signs, and a maintenance building to house some of the equipment needed for the fields. He said that eventually there would be picnic pavilions, playgrounds, bike racks, grills, park benches and picnic tables. He said the Environmental Services Department would do a final walk-through prior to a April 1 opening.

### **NEW BUSINESS**

#### **REVITALIZATION OF STATE THEATRE**

Ms. Raven Yates, Executive Director of the State Theatre Foundation, Inc., thanked the Board for the opportunity to discuss the revitalization of the old State Theatre. She stated she had originally planned to ask the Board for its support of a VDOT Transportation Enhancement Grant, but all of the elements were not in place in order to meet the deadline.

Ms. Yates reported that the Foundation had spent a year in planning, marketing and forming its Board, and had obtained a 501(c)(3) nonprofit foundation designation. She said that proposals had been solicited from architects and renovations would begin as soon as an architect had been selected. She described some of the cosmetic changes that had taken place in the meantime, such as securing the marquee and sprucing up the front of the theater.

She said that the ultimate goal was to have the theater look as it did in 1938, but to include live performances, dance studios, etc., in addition to movies. She stated that the Foundation planned to have a reception the first of next year and to provide status reports on a regular basis.

Mr. Chase commented that he enjoyed driving by the theater and receiving his thought of the day displayed on the marquee. Ms. Yates assured him that volunteers were

working toward continuing that activity.

### **2005 SUMMER DROUGHT**

Mr. Carl Stafford, Extension Agent, reported on the drought conditions experienced by agriculture within the County during the summer's sporadic and insufficient rainfall. He said that the most significant impact of the drought was on hay and pasture production projected to be reduced by 45 percent to 50 percent. He asked for the Board's approval of a resolution to be forwarded to the Governor for drought relief. He also asked that the Board support the Flash Report to the Farm Service Agency so that local producers could be considered by the U. S. Department of Agriculture for any possible assistance that may become available.

Mr. Chase moved, seconded by Mr. Rosenberger, to approve Drought Relief Resolution and endorse the Flash Report to the Farm Service Agency.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

### **COMMITTEE REPORTS**

#### **BUILDINGS & GROUNDS COMMITTEE REPORT - OCTOBER 11, 2005**

Mr. Lee reported that the Buildings and Grounds Committee met and had two action items for the Board's consideration. He asked Mr. Carl Sachs, Economic Development Director, to present the items to the Board.

Mr. Sachs reported that the Committee was recommending to eliminate the *County Express* jobs route and implement an "on demand" route on a 90-day trial basis. He asked Mrs. Doris Clatterbuck, Chairman of the Public Transportation Advisory Committee (PTAC), to offer some comments on this issue.

Mrs. Clatterbuck stated that PTAC had met and discussed some of the Board's concerns. She asked that the following statement be included in the record:

We will continue to work with the Culpeper County Board of Supervisors in enhancing the County Express public transportation service. Many riders, especially the elderly and the handicapped, report that this service has given them increased independence and mobility that they have not had in many years. The bus provides service not provided by the private sector. The ridership is expected to continue to increase in the upcoming months.

She provided the Board with a handout showing ridership, and reviewed the information indicating that usage had increased since the bus began operations on a demand basis

versus fixed route service.

Mrs. Carol Knighting of Rixeyville addressed the Board at Mrs. Clatterbuck's request. Mrs. Knighting explained that she was a diabetic, legally blind, and had numerous other health conditions. She provided details regarding her needs and stated she could not rely on taxicabs to keep doctors' appointments because she lived on a fixed income of \$600 per month and had limited resources. She asked the Board to consider the elderly before making any final decisions to discontinue or limit bus service.

Mrs. Clatterbuck stated that PTAC supported the change to on-demand service, which had increased 300 percent in ridership over the old system, and would work with the following conditions: (1) To change to an on-demand system; (2) to request that the Virginia Rural Transit Authority (VRTA) allocate available marketing funds to promote and advertise the change; (3) to ask VRTA to provide daily ridership numbers on a monthly basis; and (4) to eliminate the jobs route in favor of one additional hour of on-demand service. She urged the Board to consider extending the service for another year. She stated that Mr. Lassiter from the Town Planning Office and Mr. Barns from VRTA were present to answer any questions.

Mr. Chase stated the County bus service was a wonderful program and it was definitely needed to take care of the County's citizens. Mrs. Clatterbuck thanked him and asked that the program not be eliminated. Mr. Chase assured her the bus service had his support.

Mrs. Hansohn explained that the recommendation was to go forward with the on-demand program and ask VRTA to provide the County with ridership figures over a 90-day period. She emphasized that there was no intent to cancel the bus service.

Mrs. Clatterbuck asked for clarification on what type of information the Board would like to have.

Mrs. Hansohn stated that the original intent of the Express bus was to take people to work, but it was not being used for that purpose. She said her concern was to find out how the bus was being used because of the Board's \$20,000 investment in the program.

Mrs. Clatterbuck stated that she could return in 90 days with the requested information and she would also present a report to the Board each month showing ridership statistics. Mr. Nixon asked what was the charge for bus service. Mrs. Clatterbuck replied that 50 cents was charged for each direction, or \$1 for a round trip.

Mr. Lee moved, seconded by Mrs. Hansohn, to implement an on-demand route and ask VRTA to provide the County with daily ridership numbers on a monthly basis in order to track the ridership for the next 90-days for informational purposes.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Sachs reported that the Committee was recommending to enter into a lease agreement for office space located at 633 E. Davis Street to relocate the Economic Development Office. He explained that due to expansion in some County Departments, he had been looking for a new office location for the last several months, and the Davis Street location had been identified as the best location and best option available. He asked for the Board's approval of the new location for his office.

Mr. Lee moved, seconded by Mr. Nixon, to enter into a lease agreement for office space located at 633 E. Davis Street.

Mr. Chase stated he understood that the Economic Development Office would move into space in the old Town Hall. Mr. Bossio said that the original plan was to move Economic Development into the old Town Hall, but the Board decided instead to provide space in that building for the Commissioner of the Revenue's in-house real estate appraisers.

Mr. Chase indicated that move was not a good decision since the appraisers would be in the field and the old Town Hall space should house "permanent" offices.

Mr. Lee pointed out there was a motion on the floor.

Mr. Coates stated he could understand Mr. Chase's concern, but the issue had been discussed at great length in Committee.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

See Attachment #1 for details of meeting.

#### **RULES COMMITTEE REPORT - OCTOBER 11, 2005**

Mr. Walker reported that the Rules Committee met and had one action item regarding hiring an outside firm to review the zoning and subdivision ordinances and other

activities related to the Planning Department.

Mr. John Egertson stated that his Department issued an RFP in June and received three respondents, two of which were interviewed. He said the review team consisted of himself, the County Attorney, Ian Phillips from the Planning Commission, and Sam McLearen and Pam Schiermeyer from the Planning staff. He asked for the Board's support to select the legal firm of Vanderpool, Forstick, and Nishanian for the work.

Mr. Walker asked for details of the proposal. Mr. Egertson stated that the RFP included two phases over the course of a year: (1) Updating the Zoning Ordinance and drafting some new provisions on landscaping, lighting, etc.; and (2) drafting new provisions for rural areas and addressing issues such as storm water. He said there was some opportunities for grants and the County engineer would be utilized.

Mr. Walker moved, seconded by Mrs. Hansohn, to transfer funds from the Board's Contingency Fund, not to exceed \$35,000, to fund the Phase 1; and to consider Phase 2 during the next budget process.

Mr. Coates questioned why the entire project could not be considered during the next budget cycle. Mr. Egertson stated he would not like to wait until July to begin the project. He said the first phase was noncontroversial material and could possibly be done before July 1.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker asked Board members to review the discussion in the Rules Committee minutes on the local juvenile probation office concept and provide him with any comments they might have.

See Attachment #2 for details of meeting.

#### **PUBLIC WORKS COMMITTEE REPORT - OCTOBER 11, 2005**

Mr. Coates announced there were no action items.

See Attachment #3 for details of meeting

#### **TOWN/COUNTY INTERACTION COMMITTEE REPORT - OCTOBER 28, 2005**

Mr. Coates announced there were no action items.

See Attachment #4 for details of meeting

#### **ECONOMIC DEVELOPMENT REPORT**

Mr. Sachs reported that the Harvest Days Farm Tours were held during the first week in October and based on the number of visitations to each site, attendance had increased from prior years. He commended his Administrative Assistant, Ms. Susie Updike, who had primary staff responsibility for planning and implementing the Farm Tour. He thanked the Department of Tourism, Culpeper Renaissance, the Culpeper Chamber of Commerce, the County's Information Technology Department, Cooperative Extension, Culpeper Farmers' Coop, Ms. Paula Stafford, the Culpeper Agricultural Resource Advisory Committee, the Harvest Days' Committee for their assistance, and especially the 15 farm site participants. He said it was a great event and staff were already looking at ways improve next year's event.

Mr. Sachs announced that today's luncheon guest was Mr. Ed Dalrymple of Cedar Mountain Stone.

#### **AIRPORT ADVISORY COMMITTEE REPORT**

Mr Bossio reported that he had no action items to bring forward to the full Board.

#### **ADMINISTRATOR'S REPORT**

Mr. Bossio presented Governor Warner's 2005 Holiday Schedule for State employees and asked for the Board's approval to follow the same schedule.

Mr. Nixon moved, seconded by Mrs. Hansohn, to adopt the State's 2005 holiday schedule

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

#### **CLOSED SESSION**

Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) Appointments to the Agricultural Resource Advisory Committee; (B) reappointments to the Agricultural and Forestal District Advisory Committee; (C) reappointments to the Airport Advisory Committee; and (D) appointment to the Parks and Recreation Advisory Committee.
2. Under *Virginia Code* §2.2-3711(A)(3) and (A)(7), for discussion with legal counsel and staff regarding the acquisition of privately owned real property interests in the County and probable litigation, where discussion in an open meeting would adversely affect the

bargaining position or negotiating strategy of the County.

3. Under *Virginia Code* §2.2-3711(A)(3) and (A)(7), for discussion with legal counsel and staff regarding the acquisition of real property in the Town of Culpeper which involves probable litigation, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.

4. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for discussion with legal counsel and staff regarding the negotiation of a specific agreement with another public entity and probable litigation, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.

5. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for discussion with legal counsel and staff regarding the negotiation of a contract with a specific private company, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.

6. Under *Virginia Code* §2.2-3711(A)(1) & (A)(7), for discussion with legal counsel and staff the evaluation of a specific County department.

7. Under *Virginia Code* §2.2-3711(A)(7), for consultation with legal counsel and staff regarding specific legal matters requiring the provision of legal advice relating to the threat of probable litigation against a County official where such discussion in an open meeting would adversely affect the negotiating or litigating posture of the County.

Seconded by Mr. Walker.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

The Board entered into closed session at 12:35 p.m.

Mr. Coates called for a recess at 12:45 p.m. for lunch break.

The Board reconvened into closed session at 2:45 p.m., following a Legislative Committee meeting.

The Board returned to open session at 4:48 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements

under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase did not return for the second portion of closed session.

Ayes - Walker, Lee, Coates, Nixon, Rosenberger, Hansohn

**RE: AGRICULTURAL RESOURCE ADVISORY COMMITTEE**

Mr. Nixon moved, seconded by Mr. Lee, to appoint Charles A. Miller to the Agricultural Resource Advisory Committee to represent the Ag Wholesale sector.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

**RE: AGRICULTURAL RESOURCE ADVISORY COMMITTEE**

Mr. Nixon moved, seconded by Mr. Lee, to appoint Jeffrey H. Scott to the Agricultural Resource Advisory Committee to represent the farming sector.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

**RE: AGRICULTURAL & FORESTAL DISTRICTS ADVISORY COMMITTEE**

Mr. Nixon moved, seconded by Mrs. Hansohn, to reappoint Donald L. Kilby to the Agricultural & Forestal Districts Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

**RE: AGRICULTURAL & FORESTAL DISTRICTS ADVISORY COMMITTEE**

Mr. Nixon moved, seconded by Mr. Walker, to reappoint Tommy O'Halloran to the Agricultural & Forestal Districts Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase



Motion carried 6 to 0.

**RE: AIRPORT ADVISORY COMMITTEE**

Mr. Nixon moved, seconded by Mrs. Hansohn, to reappoint Michael Dale to the Airport Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

**RE: AIRPORT ADVISORY COMMITTEE**

Mr. Nixon moved, seconded by Mr. Walker, to reappoint Antonio (Tony) Dias to the Airport Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

**RE: PARKS & RECREATION ADVISORY COMMITTEE**

Mr. Nixon moved, seconded by Mr. Walker, to appoint William Glen Carpenter to the Parks & Recreation Advisory Committee to represent the East Fairfax District.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

**ADJOURNMENT**

Mrs. Hansohn moved, seconded by Mr. Rosenberger, to adjourn at 4:51 p.m.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

Peggy S. Crane, CMC  
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio  
Clerk to the Board

Approved: December 6, 2005